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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,191	03/14/2001	Kouki Tomita	520.39059X00	1714

20457 7590 09/29/2004

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EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/805,191

Applicant(s)

TOMITA ET AL. *K*

Examiner

DANIEL LASTRA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/14/01</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-16 have been examined. Application 09/805,191 (SALES ASSISTANCE SYSTEM AND METHOD THEREOF WITH USING COMPUTER NETWORK) has a filing date 03/14/2001 and foreign priority 2000-108018 (04/05/00).

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al (U.S. 6,401,085).

As per claim 1, Gershman teaches:

A sales assistance system, being connected with a plurality of client terminals through a computer network, comprising:

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a communication means, being connected with said computer network, for inputting a goods purchase request information including a customer address relating information from said client terminals (see column 62, lines 32-40; column 63, lines 27-67);

a memory device for storing at least a goods/store information including the goods and the stores which deal with those goods (see column 62, lines 32-40); and

a controller portion for searching a plurality of stores from the goods/store information stored in said memory device, based on said customer address relating information which is inputted through said communication means, so as to display them on one of said client terminals, as well as for detecting the store which is selected by the customer, among those plural stores, so as to transmit the goods purchase request information which is inputted from said client terminal to said store which is detected (see column 62, lines 32-40; column 63, lines 27-67).

As per claim 2, Gershman teaches:

A sales assistance system as described in the claim 1, wherein a number of the plural stores which are searched and displayed upon the basis of said customer address relating information lies within a range from being equal or greater than ten and being equal or less than twenty ( $10 \leq n \leq 20$ ) (see column 62, lines 32-40; column 63, lines 27-67).

As per claim 3, Gershman teaches:

A sales assistance system according to claim 1, wherein said controller portion further comprises:

a transmit device which sends the inputted goods purchase request information to said store which is detected (see column 3, lines 14-29).

As per claim 4, Gershman teaches:

A sales assistance system as described in the claim 1, wherein said transmit device is at least any one of a facsimile modem, a facsimile apparatus and an electronic mail device (see column 68, lines 16-25).

As per claim 5, Gershman teaches:

A sales assistance system as described in the claim 1, wherein the goods/store information which are stored within said memory device includes image information of the goods which the store are handling (see figure 22).

As per claim 6, Gershman teaches:

A sales assistance method for assisting sales of goods using a computer system, which is connected with a plurality of client terminals through a computer network, and including a memory device for storing at least a goods/store information including information concerning the goods and the stores which deal with those goods, and a controller portion, said sales assistance method comprising the steps of:

inputting purchase request information including a customer address relating information from any one of said client terminals;

searching a plurality of stores which are dealing with said goods, from the goods/store information stored in said memory device, based on said customer address relating information which is inputted, so as to display them on said client terminal;

detecting the store which is selected by the customer on said client terminal among those plural stores;

and transmitting the goods purchase request information which is inputted from said client terminal to said store which is detected. Claim 6 contains the same limitations as claim 1 therefore the same rejection is applied.

As per claim 7, Gershman teaches:

A sales assistance method as described in the claim 5, wherein a number of the plural stores which are searched and displayed based on said customer address relating information lies within a range from being equal or greater than ten and being equal or less than twenty ( $10 \leq n \leq 20$ ). Claim 7 contains the same limitations as claim 2 therefore the same rejection is applied.

As per claim 8, Gershman teaches:

A sales assistance method as described in the claim 6, wherein the transmitting step is conducted using at least any one of a facsimile modem, a facsimile apparatus and an electronic mail device. Claim 8 contains the same limitations as claim 4 therefore the same rejection is applied.

As per claim 9, Gershman teaches:

A server connected to network, comprising:

a communication device connected to network;

a first portion connected to the communication device, receive an order of merchandise from user via network;

a second portion connected to the communication device, to confirm a delivery address to deliver merchandise user ordered;

a third portion connected to the communication device and the second portion, to confirm a shop picked up based on the delivery address; and

a fourth portion connected to the first portion and the third portion, to make an application with the order and the shop address. Claim 9 contains the same limitations as claim 11 therefore the same rejection is applied.

As per claim 10, Gershman teaches:

The server connected to network according to claim 9, wherein said application having a signature area for testifying receiving correctly. Claim 10 contains the same limitations as claim 12 therefore the same rejection is applied.

As per claim 11, Gershman teaches:

A server connected to network, comprising:

a communication device connected to network;

a first portion connected to the communication device, to receive an order of merchandise from user via network (see column 3, lines 14-27);

a second portion connected to the communication device, to confirm a delivery address to deliver merchandise user ordered (see column 63, lines 26-67);

a third portion connected to the communication device and the second portion, to confirm a shop picked up based on the delivery address (see column 38, lines 41-50; column 63, lines 26-67);

a fourth portion connected to the first portion and the third portion, to make an application with the order and the shop address (see column 38, lines 41-50; column 63, lines 26-67); and

a transmitting device connected to the fourth portion, to transmit the application to the shop specified the shop address (see column 38, lines 41-50; column 63, lines 26-67).

As per claim 12, Gershman teaches:

The server connected to network according to claim 11, wherein said application having a signature area for testifying receiving correctly (see column 38, lines 42-50).

As per claim 13, Gershman teaches:

A method for assisting sales using network, comprising the steps of:  
receiving an order of merchandise from user via network;  
confirming a delivery address to deliver merchandise user ordered;  
confirming a delivery address to deliver merchandise user ordered;  
confirming a shop picked up based on the delivery address; and  
making an application with the order and the shop address. Claim 13 contains the same limitations as claim 11 therefore the same rejection is applied.

As per claim 14, Gershman teaches:

The method according to claim 13, further comprising the step of:  
transmitting said application to the shop confirmed by user. Claim 14 contains the same limitations as claim 12 therefore the same rejection is applied.

As per claim 15, Gershman teaches:

A computer readable storing a medium having stored thereon a computer program for assisting sales using 3 network, the program when executed on server causes the server to perform the steps of:

receiving an order of merchandise from user via network;  
confirming a delivery address to deliver merchandise user ordered;



confirming a shop picked up based on the delivery address; and  
making a confirmation with the order and the shop address. Claim 15 contains the same limitations as claim 11 therefore the same rejection is applied.

As per claim 16, Gershman teaches:

The computer program according to claim 15, when executed further causes the server to perform the step of transmitting said application to the shop confirmed by user. Claim 16 contains the same limitations as claim 12 therefore the same rejection is applied.

### ***Conclusion***

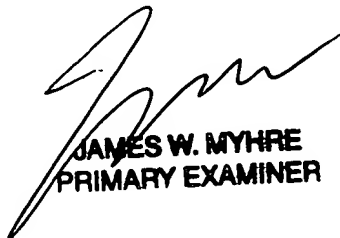
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
August 30, 2004

  
JAMES W. MYHRE  
PRIMARY EXAMINER